

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q62300

Toshihiro UEHARA et al.

Appln. No.: 09739387

Group Art Unit: 1742

Confirmation No.: 3310

Examiner: Sikyin IP

Filed: December 19, 2000

For: MARAGING STEEL HAVING HIGH FATIGUE STRENGTH AND MARAGING STEEL STRIP MADE OF SAME

PRELIMINARY REMARKS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In the Advisory Action dated November 28, 2003, the Examiner notes the remarks in the November 13, 2003 Amendment with respect to the limitation "hardness not less than Hv 502", but states that the range includes values not disclosed in Table 2 and that those values not disclosed in Table 2 are considered new matter.

In response, Applicants note that the Examiner did not address the amendment to the claims to recite "a hardness not less than Hv 502 to not more than Hv 632", as set forth in the November 13, 2003 Amendment. As a result, Applicants do not agree with the Examiner's position that the claimed hardness value range as amended in the last response includes hardness values that are not disclosed in Table 2 and that values not disclosed in Table 2 are new matter. It is possible that the Examiner meant to refer to "new issues" as opposed to "new matter", since the amendment to the claims to recite an upper limit of Hv 632 for the hardness value could be considered to change the scope of the claims. Applicants are submitting herewith a Request for

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Continued Examination to obtain entry of the unentered amendment, which Applicants believe places the application in condition for allowance.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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23373  
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Date: December 15, 2003

Respectfully submitted,

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